IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 760 OF 2005

Arun Chhotalal Chattrapati & Ors ...Appellants

Versus

Municipal Corporationof Greater Bombay ...Respondent

.....

Mr. Shyam Diwan with Mr. V.M. Singh i/b Goneka Law Associates, counsel for Appellants.

Ms. Geeta Jogalekar, counsel for Respondent.

.....

CORAM: B. H. MARLAPALLE, J.

DATED: 20TH JULY, 2005

P. C.:-

1. Heard the learned counsel for the appellants.

2. By the impugned order dated 7.7.2005 passed on the draft Notice of Motion moved in L.C. Suit No. 2739 of 2005, the prayer for interim stay has been rejected by the learned Judge of the City Civil Court at Mumbai. The Notice of Motion was directed to be registered and it has been so registered as Notice of Motion No. 2493 of 2005 which has been made returnable on tomorrow i.e. on 21.7.2005.

3. Having considered the nature of the activities that are being presently conducted in the suit

premises, it would be appropriate that the Notices of Motion pending before the trial Court is heard and decided within a specified period and the notice impugned in the suit are not acted upon till then.

4. Hence, the appeal is disposed of with direction that the Notice of Motion No. 2493 of 2005 be heard and decided on its own merits as expeditiously as possible and preferably by 31.8.2005. The Corporation shall file its reply to the Notice of Motion by or before 31.7.2005. The impugned notice in the suit shall not be acted upon till the Notices of Motion is decided.

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 886 OF 2005
WITH
CIVIL APPLICATION NO.887 OF 2005
IN
APPEAL FROM ORDER NO. 760 OF 2005

Arun Chhotalal Chattrapati & Ors ...Applicants

Versus

Municipal Corporationof Greater Bombay ...Respondent

.....

Mr. Shyam Diwan with Mr. V.M. Singh i/b Goneka Law Associates, counsel for Applicants

Ms. Geeta Jogalekar, counsel for Respondent.

.....

CORAM: B. H. MARLAPALLE, J.

DATED: 20TH JULY, 2005

P. C.:-

. In view of disposal of Appeal from order, these applications do not survive and the same are disposed of as infructuous.

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